



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 20 2003

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Facsimile and First Class Mail

Mr. Stephen A. Owens  
Director, Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, Arizona 85007

Re: Enforcement Discretion for Arizona Cleaner Burning Gasoline

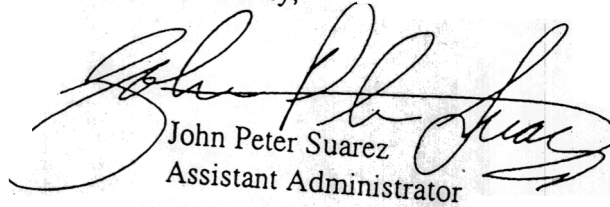
Dear Mr. Owens:

I am writing in response to your August 19, 2003 letter in which the Arizona Department of Environmental Quality (ADEQ) requests that the United States Environmental Protection Agency (EPA) exercise its enforcement discretion regarding potential violations of Arizona's State Implementation Plan (SIP) for Cleaner Burning Gasoline (CBG). *See* 63 Fed. Reg. 6653 (Feb. 10, 1998). I understand that the Phoenix metropolitan area is currently suffering an unprecedented gasoline shortage caused by the failure of the Kinder Morgan Energy Pipeline, which supplies CBG to the Phoenix ozone non-attainment area.

Based on the limited amount of time that EPA has had to collect information on this supply matter, and the urgency with which ADEQ requests a response, EPA will exercise enforcement discretion to allow regulated parties to supply conventional gasoline in the ozone non-attainment area (covering portions of Maricopa County). However, this grant of enforcement discretion is conditioned upon regulated parties taking all reasonable steps to produce and supply CBG gasoline or the cleanest gasoline possible to the ozone non-attainment area. This exercise of enforcement discretion is effective immediately and will continue until midnight on Friday, September 19, 2003. If, after further consultation with ADEQ, EPA determines that a shorter timeframe or other restrictions for the exercise of enforcement discretion are more appropriate, EPA will notify you of its determination in writing. This enforcement discretion does not relieve any person from any other requirements set forth in Arizona's SIP.

If you have questions, please call Mr. Bruce C. Buckheit, Director of the Air Enforcement Division, at (202) 564-2260.

Sincerely,



John Peter Suarez  
Assistant Administrator

cc. American Petroleum Institute  
202-682-8031 (FAX)

National Petroleum Refiners Association  
202-457-0486 (FAX)

Petroleum Marketers Association of America  
703-351-9160 (FAX)

Paul Cort, U.S. EPA, Region 9  
415-947-3570 (FAX)